

**TOWN OF BROOKFIELD  
ZONING REGULATIONS**

**Non-conforming Uses, Buildings & Lots - § 242-309A-C**

**§ 242-309. Nonconforming uses, building and lots.**

**A. Continuance:**

Any lawful use of land, building and structures existing as of the date of adoption of these regulations or any pertinent amendment thereto may be continued subject the provisions of this Section.

**B. Nonconforming Uses:**

Any use not otherwise permitted or which fails to conform with the zoning regulations applicable to the zone in which the same is located, is hereby declared to be a “nonconforming use” and subject to the following provisions:

- (1) No nonconforming use may be changed except to a conforming use, or, with approval of the Zoning Commission, a nonconforming use may be changed to another nonconforming use as restricted or more restricted by this Chapter.
- (2) No nonconforming use shall, if once changed into a conforming use, be changed back to a nonconforming use.
- (3) No nonconforming use shall be extended or expanded, including hours of operation, without the approval of the Zoning Commission.
- (4) No nonconforming use shall be resumed or restored if:
  - [a] such use has not existed for a period of one (1) year from the date of cessation or from the effective date of the regulation, whichever is later;  
or
  - [b] such use is abandoned.

**C. Nonconforming Buildings and Structures:**

Any lawful building or structure existing as of the effective date of these regulations, but not conforming to the provisions of these regulations relating to height, floor area, percentage of lot coverage, required yards, parking facilities, density, bulk, land use performance standards, or other provisions of this Chapter relating to buildings or structures, is hereby declared to be a “nonconforming building or structure”, and is subject to the following provisions:

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- (1) Except as provided for in paragraph two below, no nonconforming building or structure shall be moved, enlarged, or altered except to make it a conforming building or structure or to comply with the requirements of health and safety laws or ordinances.
- (2) **An addition to a nonconforming building or structure:** *[rev eff 3/6/15]* whereby the added portion conforms in all respects to the regulations AND whereby the addition does not cause the use, building or lot to become more nonconforming: may be permitted subject to the issuance of a Certificate of Zoning Compliance. A vertical expansion of a nonconforming building or structure which is legally nonconforming as to one or more setback requirements is a prohibited expansion of that nonconformity to the extent that the proposed vertical expansion, in and of itself, violates applicable setback requirements.
- (3) Nothing in this section shall require any change of plans or construction for a building or structure for which a building permit has been issued prior to the effective date of this Chapter or any pertinent amendment thereto, provided the construction has been started within six (6) months of the issuance of the permit and is diligently prosecuted to completion.
- (4) Nothing in this section shall prevent the reconstruction or structural alteration of a nonconforming building which is destroyed or damaged by **fire or casualty**, provided that such reconstruction or alteration is commenced within one (1) year of the date of such damage or destruction and completed within two (2) years from such date.

#### **D. Nonconforming Lot(s):**

Any lot, parcel of land, or assemblage existing as of the effective date of the adoption of these regulations or any pertinent amendment thereto which does not conform to the total acreage, lot width, road frontage or access provisions of this Chapter is hereby declared to be a “nonconforming lot” and subject to the following provisions:

- (1) Regulations concerning reduction of lot area or dimensions, required frontage and access, and building on existing lots are found in Section 242-201.
- (2) Regulations concerning total acreage and lot width are found in the appropriate section of these regulations for the Zoning District in which the lot is located.

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- (3) Nothing in this section shall prevent the construction of a conforming addition to a conforming building or structure on a nonconforming lot.